

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

EDWARD HAWKINS

§

VS.

§

CIVIL ACTION NO. 9:25-CV-85

ARIEL BURKS

§

MEMORANDUM OPINION AND ORDER

Plaintiff Edward Hawkins, a prisoner previously confined at the Clemens Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Ariel Burks, the warden of the Clemens Unit. Plaintiff alleges the defendant violated Plaintiff's First Amendment right to freedom of speech by retaliating against him.

Discussion

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. However, under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

Plaintiff's Complaint concerns events that took place at the Clemens Unit in Brazoria County, which is located in the Galveston Division of the United States District Court for the Southern District of Texas. The court has considered the circumstances and has determined that the interests of justice would be served if the complaint were transferred to the district in which the claims arose. Therefore, this action should be transferred to the Southern District of Texas. It is accordingly

ORDERED that this civil rights action is **TRANSFERRED** to the Galveston Division of the United States District Court for the Southern District of Texas.

SIGNED this the 3rd day of March, 2025.

A handwritten signature in black ink, appearing to read 'C. Stetson', written over a horizontal line.

Christine L Stetson
UNITED STATES MAGISTRATE JUDGE